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FILED
AUG 27 1992
CENTRAL DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RECEIVED
SEP 02 1992

VICKI J. AZNARAN and
RICHARD N. AZNARAN,

Plaintiff(s),

v.

CHURCH OF SCIENTOLOGY, et
al.,

Defendant(s).

CV-88-1786-JMI (Ex) HUB LAW OFFICES

ORDER GRANTING DEFENDANTS'
MOTION TO TRANSFER THIS
ACTION TO THE UNITED STATES
DISTRICT COURT FOR THE NORTHERN
DISTRICT OF TEXAS

ENTERED
AUG 28 1992
CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY

IT IS HEREBY ORDERED:

1. Defendants CHURCH OF SCIENTOLOGY, et al.'s (hereinafter "Defendants") motion to transfer this action to the United States District Court for the Northern District of Texas is hereby GRANTED.

2. Defendants contend that the Court should transfer this action to the Northern District of Texas pursuant to 28 U.S.C. § 1404(a). Defendants base this contention on the assertion that transfer is proper and that it would make the trial of this matter more convenient to the parties and the witnesses.

hereby attested
at the City of
San Francisco, California
this 27th day of August, 1992



1 According to Defendants, many of the claims raised by Plaintiffs
2 are more than 15 years old and predate the very existence of
3 Defendants. Thus, Defendants argue that since all of these old
4 events occurred in the Northern District of Texas, all of the
5 remaining witnesses and records concerning the occurrences can
6 only be found there. Defendants list 15 "key witnesses" who
7 they contend are required to testify in Defendants' case and who
8 are not subject to the subpoena power of this Court, but could
9 be subpoenaed in Dallas. Defendants also contend that
10 Plaintiffs who have been residing and working in the Dallas area
11 since 1987, seek substantial damages for mental and emotional
12 distress; thus, defendants contend that witnesses who are best
13 equipped to testify about Plaintiffs' mental and emotional
14 condition are all in Dallas, and not in Los Angeles, where
15 according to Defendants, Plaintiffs are "virtually anonymous."
16 In fact, according to Defendants, only two of Plaintiffs' 11
17 claims have their basis in facts alleged to have occurred in
18 California and the witnesses to those alleged occurrence are
19 Plaintiffs and Defendants' staff members. On the strength of
20 this contention, Defendants indicate that they are willing to
21 stipulate that they will make staff who are percipient witnesses
22 to the matters at issue herein available at a trial in the
23 Northern District of Texas at Defendants' expense since they
24 believe that such an expense would be far less expensive than
25 persuading unwilling witnesses to come to trial in California
26 from Texas. Defendants emphasize that they seek to return the

1 matter to Plaintiffs' home district to make it a more convenient
2 and less expensive experience for Plaintiffs themselves.
3 Finally, Defendants further argue that this diversity case could
4 have been brought in the Northern District of Texas originally
5 since both Plaintiffs reside there and since the claims arose
6 there.

7 3. A district court may transfer any civil action to any
8 other district or division where it might have been brought for
9 "the convenience of the parties and witnesses, in the interests
10 of justice." 28 U.S.C. § 1404(a).

11 4. Generally, the purpose of § 1404 is "to prevent the
12 waste 'of time, energy and money' and 'to protect litigants,
13 witnesses and the public against unnecessary inconvenience and
14 expense.'" Van Dusen v. Barrack, 376 U.S. 612, 616, 84 S.Ct.
15 805,809, 11 L.Ed.2d 945 (1964), quoting Continental Grain Co. v.
16 Barge FBL-585, 364 U.S. 19, 26-27, 80 D.Ct. 1470, 1474-1475, 4
17 L.Ed.2d 1540 (1960).

18 5. When deciding the issue of transfer, the proper
19 procedure to be employed is a factually analytical, case-by-case
20 determination of convenience and fairness. Id. at 622.

21 6. The relevant factors to be considered in the trial
22 court's exercise of its wide discretion in deciding transfer
23 are:

- 24 1. Plaintiff's choice of forum;
- 25 2. Relative ease of access to sources of proof;
- 26 3. Availability of compulsory process for attendance of

1 unwilling witnesses;

2 4. Cost of obtaining attendance of unwilling witnesses;

3 5. Possibility of a view of the premise, if appropriate;

4 6. All other practical considerations making trial easy,
5 expeditious and inexpensive;

6 7. Enforceability of a judgment if obtained;

7 8. Relative congestion of court dockets;

8 9. Relationship to the litigation of the community from
9 which jurors will be drawn;

10 10. Familiarity of the forum with the state law governing a
11 diversity case.

12 Gulf Oil v. Gilbert, 330 U.S. 501, 508-509 (1947).

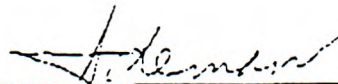
13 In the present case, the Court, having read and considered
14 Defendants' motion to transfer this action to the United States
15 District Court for the Northern District of Texas, Plaintiffs'
16 opposition thereto, Defendants' Reply and all supporting
17 documents filed therewith, finds that the above-named factors
18 weigh in favor of transferring this action at this time. First,
19 many of the claims Plaintiffs make do not have their basis in
20 facts alleged to have occurred in California; indeed, it appears
21 that many of the claims arose in Texas. Second, Plaintiffs
22 themselves reside in the receiving district. More
23 significantly, many of the witnesses who will testify at trial
24 live there. Additionally, Defendants indicate that they are
25 willing to stipulate that they will make staff who are
26 percipient witnesses available at a trial in the Northern

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motion and TRANSFERS this action to the United States District Court for the Northern District of Texas.

IT IS SO ORDERED.

DATED: 20 Aug 92



JAMES M. IDEMAN
United States District Judge